

From: [Wells, Molly](#)
To: ["Kovalenko, Nina"; Ehrlich, Andrew J; Karp, Brad S; Beer, Alex](#)
Cc: [Paschal, Hogan; Miller, Kerry; Joseph Kaye; Adam Moskowitz; "DBoies@bsflp.com"; John Rodstrom; Barbara C. Lewis; Rejane Passos; Joseph Saveri; Jose Ferrer; desiree@markmigd.com; Ritschard, Connor](#)
Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)
Date: Tuesday, January 9, 2024 2:46:17 PM

Nina,

My reference to your statement regarding "one or two" requests is an actual quote, which is why I placed it in quotation marks. It is not inaccurate. We have no intention of misrepresenting anything to the court. Furthermore, we are not "intent on filing a motion," but your position necessitates such action. Don't worry, we will attach your letter when we do.

Lastly, we are not engaging in a fishing expedition. We are conducting limited jurisdictional discovery, but that does still unfortunately require more than just a handful of requests. We are not being unreasonable here in pushing to receive that to which we are entitled under the law and the court's order.

Best,

Molly Wells
mwells@fishmanhaygood.com

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From: Kovalenko, Nina <nkovalenko@paulweiss.com>
Sent: Tuesday, January 9, 2024 2:27 PM
To: Wells, Molly <mwells@fishmanhaygood.com>; Ehrlich, Andrew J <aehrich@paulweiss.com>; Karp, Brad S <bkarpp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>
Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsflp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigd.com>; desiree@markmigd.com; Ritschard, Connor <critschard@paulweiss.com>

Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

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Molly:

It is plainly not accurate that we agreed to respond to only one or two requests total. Our January 5 letter to you lists six interrogatories and two document requests that we would be willing to answer subject to appropriate narrowing. What I said on today's call was that we would consider any additional requests—within reason—to the extent they relate to the types of factual disputes encompassed by the Court's December 18 order permitting "limited jurisdictional discovery" but denying any broader lift of the discovery say—namely, requests that implicate the defendants' conduct with the forum states, if any, and requests concerning plaintiffs' unpleaded agency theory. Plaintiffs insist, however, on improperly using jurisdictional discovery not to investigate these purported factual disputes, but as a fishing expedition for other information that plaintiffs are hoping will save their deficient conspiracy allegations from dismissal. That is not the scope of discovery that the Court ordered. Given that you are intent on filing a motion, we expect that you would attach our written offer to any such filing and not misrepresent our position.

I am also going to assume that the January 17 and 18 deposition dates are off the table given your representations on our call that we could not possibly proceed with these dates given our apparent dispute, which we had hoped to work out but that you are insisting on taking to Court.

Regards,
Nina

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Pronouns: She/Her

From: Wells, Molly <mwells@fishmanhaygood.com>

Sent: Tuesday, January 9, 2024 2:43 PM

To: Kovalenko, Nina <nkovalenko@paulweiss.com>; Ehrlich, Andrew J <aehrich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>

Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsfllp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com; Ritschard, Connor <critschard@paulweiss.com>

Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Good afternoon, Nina,

I do not agree with your description of the discussion. I would classify it as follows.

You all asserted that you were willing to be “flexible” but only in that you would be willing to respond to “one or two” requests and only inasmuch as they exhibited direct contacts with Florida or California. That is plainly insufficient under the law and the court’s order.

We explained that we were willing to work together to trim down our requests to those that best target the following five kinds of documents: the actual FTX investment agreements and related documents, the due diligence documents on the FTX investment, your employees’ service on the FTX Advisory Board, your forum contacts, and documents showing agency/control amongst the Temasek entities involved. You said that this would not be a productive exercise, because you were only willing to produce documents showing Florida/California contacts (and, again, only in response to “one or two” requests). You further argued that you did not understand how the actual written agreements between FTX entities and Temasek entities and/or Temasek’s due diligence and ongoing monitoring documents on the FTX investment could possibly support conspiracy jurisdiction or jurisdiction premised on intentional torts, although you all have argued that conspiracy jurisdiction is lacking due to a lack of agreement between the parties and that we’ve failed to show jurisdiction through intentional torts due in part to a purported lack of knowledge on Temasek’s part. We explained conspiracy jurisdiction under Florida law, and you said that although you understood it “philosophically” you did not think the, e.g., actual written agreements between the parties were relevant.

Regarding the deposition dates, we were clear that we would not proceed with those depositions on those dates unless we’d received the documents in advance. So, your statement is correct if and only if you all have not produced any documents by that time. If you have, then we will need to have another discussion.

We also wish that we could have come to an agreement, but given what you stated on our call, that is clearly not going to occur. We are cognizant of the tight timeline here and were willing to compromise, but I’m afraid responses to “one or two” requests simply will not suffice. We will have to go to the magistrate.

Thanks.

Best,

Molly Wells
mwells@fishmanhaygood.com

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From: Kovalenko, Nina <nkovalenko@paulweiss.com>

Sent: Tuesday, January 9, 2024 1:05 PM

To: Wells, Molly <mwells@fishmanhaygood.com>; Ehrlich, Andrew J <aehrlich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>

Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsfllp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com; Ritschard, Connor <critschard@paulweiss.com>

Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

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Molly,

We are writing to confirm our understanding of Plaintiffs' positions from today's meet and confer concerning the scope of jurisdictional discovery.

As we reiterated, we are willing to work together cooperatively and to consider a compromise on plaintiffs' facially overbroad and unduly burdensome requests (including 7 interrogatories, 46 document requests, and deposition notices directed to each defendant) that is limited to information relevant for the Court's jurisdictional analysis, namely Defendants' ties to the forum states (California and Florida) that relate to FTX, if any, as well as Plaintiffs' agency theory concerning Temasek Holdings (Private) Limited and Temasek International (USA) LLC, although this theory is nowhere pleaded in plaintiffs' complaint. Plaintiffs explained that they are unwilling to limit jurisdictional discovery to these issues because plaintiffs are seeking discovery relating to their conspiracy allegations more generally, in order to develop their conspiracy allegations and argue that jurisdiction in Florida exists on that basis. Based on this dispute, you indicated that further conversations between the parties would be unproductive. We are disappointed with this result and maintain that it would be more productive for the parties and less burdensome for the Court to proceed cooperatively, particularly given the tight timeframe for jurisdictional discovery.

You also agreed that you will not proceed with seeking depositions of the Defendants on January 17 and January 18, as indicated in plaintiffs' notices.

We remain willing to discuss these issues if it would be helpful.

Regards,
Nina

Nina Kovalenko | Partner

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Pronouns: She/Her

From: Kovalenko, Nina

Sent: Monday, January 8, 2024 7:09 PM

To: 'Wells, Molly' <mwells@fishmanhaygood.com>; Ehrlich, Andrew J <AEhrlich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>

Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsfllp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com; Ritschard, Connor <critschard@paulweiss.com>

Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Thanks, Molly. Are you able to send an invitation for that time? Much appreciated.

Nina Kovalenko | Partner

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Pronouns: She/Her

From: Wells, Molly <mwells@fishmanhaygood.com>

Sent: Monday, January 8, 2024 6:49 PM

To: Kovalenko, Nina <nkovalenko@paulweiss.com>; Ehrlich, Andrew J <aehrich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>

Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsfllp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com; Ritschard, Connor <critschard@paulweiss.com>

Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

We can do 1 p.m. EST tomorrow.

Best,

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From: Kovalenko, Nina <nkovalenko@paulweiss.com>
Sent: Monday, January 8, 2024 4:56 PM
To: Wells, Molly <mwells@fishmanhaygood.com>; Ehrlich, Andrew J <aehrlich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>
Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsfllp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com; Ritschard, Connor <critschard@paulweiss.com>
Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

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Thanks so much, Molly. How is 5 p.m. tomorrow?

Best,
Nina

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Pronouns: She/Her

From: Wells, Molly <mwells@fishmanhaygood.com>

Sent: Monday, January 8, 2024 12:23 PM

To: Kovalenko, Nina <nkovalenko@paulweiss.com>; Ehrlich, Andrew J <aehtlich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>

Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsflp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com; Ritschard, Connor <critschard@paulweiss.com>

Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Thank you, Nina, for your response. We would like to arrange a meet and confer to go over your letter. Do you have time later today or tomorrow for a phone call?

Best,

Molly Wells

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From: Kovalenko, Nina <nkovalenko@paulweiss.com>

Sent: Friday, January 5, 2024 8:15 PM

To: Wells, Molly <mwells@fishmanhaygood.com>; Ehrlich, Andrew J <aehtlich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>

Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsflp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com; Ritschard, Connor <critschard@paulweiss.com>

Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

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Counsel:

Please see the attached correspondence.

Regards,
Nina

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From: Wells, Molly <mwells@fishmanhaygood.com>
Sent: Thursday, January 4, 2024 11:22 AM
To: Ehrlich, Andrew J <aehrlich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Kovalenko, Nina <nkovalenko@paulweiss.com>
Cc: Paschal, Hogan <hpaschal@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Joseph Kaye <joseph@moskowitz-law.com>; Adam Moskowitz <Adam@moskowitz-law.com>; 'DBoies@bsfllp.com' <dBoies@BSFLLP.com>; John Rodstrom <john@moskowitz-law.com>; Barbara C. Lewis <barbara@moskowitz-law.com>; Rejane Passos <rejane@moskowitz-law.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Jose Ferrer <jose@markmigdal.com>; desiree@markmigdal.com
Subject: FW: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Good morning, all,

I write to follow up on the jurisdictional discovery we sent to you as counsel for Temasek on Friday, December 22nd, in accordance with Judge Moore's order granting the same.

Given the condensed timeline Judge Moore outlined for the discovery, we would like to arrange a meet and confer with you all tomorrow to discuss any objections you all may have. Please let us know your availability. In addition, please let us know what those objections are in advance of the call in order to facilitate a meaningful discussion.

If we do not hear from you all by the end of the day tomorrow regarding your objections and availability, we will assume that you all object to our requests in toto and will seek appropriate relief with the court.

Thanks.

Best,

Molly Wells
mwells@fishmanhaygood.com

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From: Paschal, Hogan <hpaschal@fishmanhaygood.com>

Sent: Friday, December 22, 2023 9:04 PM

To: Kelly, Ty <tykelly@bakerdonelson.com>; Bonaventure, Frank <fbonaventure@bakerdonelson.com>; Dorough, Marisa <mdorough@bakerdonelson.com>; Buchwald, Lara Samet <lara.buchwald@davispolk.com>; Martins, Tatiana R. <tatiana.martins@davispolk.com>; Cooney, Mallory M. <Mallory.Cooney@klgates.com>; Moore, Desiree F. <Desiree.Moore@klgates.com>; Ehrlich, Andrew J <aehrlich@paulweiss.com>; Karp, Brad S <bkarp@paulweiss.com>; Beer, Alex <abeer@paulweiss.com>; Kovalenko, Nina <nkovalenko@paulweiss.com>; Adam Fels <afels@ffslawfirm.com>; mmix@morrisoncohen.com; vupadhyaya@morrisoncohen.com; jgottlieb@morrisoncohen.com

Cc: Swanson, James R. <jswanson@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>; Wells, Molly <mwells@fishmanhaygood.com>; jsaveri@saverilawfirm.com; rlieff@lieff.com; cyoung@saverilawfirm.com; Reichard, Benjamin D. <breichard@fishmanhaygood.com>; Itak Moradi <imoradi@saverilawfirm.com>; Louis Kessler <Lkessler@saverilawfirm.com>; David Lerch <dlerch@saverilawfirm.com>; Richards, Lara K. <lrichards@fishmanhaygood.com>; Veith, Rebekka C. <rveith@fishmanhaygood.com>

Subject: FW: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Counsel,

I'm forwarding the correspondence below regarding jurisdictional discovery in the above captioned matter and attaching the discovery requests referenced therein.

Best and happy holidays,
Hogan

Hogan Paschal
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From: Adam Moskowitz <Adam@moskowitz-law.com>

Sent: Friday, December 22, 2023 3:09 PM

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Subject: RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Dear FTX Defense Counsel: We hope you all have a happy and healthy holiday. Earlier this week, we

all reviewed the Court's new Orders (DE 422 and DE 423]: (1) allowing the class to serve jurisdictional discovery upon the appropriate Defendants, and (2) appointing a Magistrate to decide and rule upon, any and all objections raised to this jurisdictional discovery (see Footnote 3 of DE 422).

As per Court Order, we will serve each Defendant with jurisdiction discovery today. The Court has set a very tight time table, so here is our schedule: (1) Defendants will raise any and all objections with the Magistrate by January 5th (2 weeks), (2) any defendant that raises objections will contact Brooke and Joey to arrange meet and confer sessions, to take place between January 5th-9th, (3) we will request the Magistrate rule upon any remaining objections by January 12th, (4) we will conduct the depositions as per the Notices, but please let Brooke and Joey know if you would like to suggest a change to any of the dates and/or locations, (5) the Court required us to complete all of this jurisdictional discovery by Thursday, February 1st, and (6) we can file any Supplements with the Court on jurisdiction by February 16th.

Thank you for all of your cooperation and professionalism and have a wonderful holiday and new year. Adam and David

PS: Please make sure to forward this email to any FTX defense counsel that has been added since our last group email.

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CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards involve a detailed and careful analysis of the facts and applicable law which we expect would be time consuming and costly. We have not made and have not been asked to make that type of analysis in connection with any advice given in this e-mail. As a result, we are

required to advise you that any Federal tax advice rendered in this e-mail is not intended or written to be used and cannot be used for the purpose of avoiding penalties that may be imposed by the IRS.

From: Adam Moskowitz

Sent: Tuesday, March 7, 2023 4:18 PM

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Subject: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Joint Scheduling Report)

To all FTX Defendants and their Counsel:

All of you should have reviewed the recent Order by Judge Moore, which requires the Parties to comply with the prior Order and file the Joint Scheduling Order by this Friday. Attached is a fully drafted JSO and we certainly look forward to reviewing your revisions, suggestions and/or edits this week. Please let us know if you have selected one (or more) counsel to serve as Liaison Counsel, but in the abundance of caution, we have copied all counsel (and *pro se*) of record.

We have spent great efforts (4 different service companies) trying to get all of you served with our Complaint. Since we filed this action many weeks ago, we appreciate that many of you have been cooperative, have proactively accepted service of the complaint, and have entered your appearances. Others have been more difficult to serve and are now joining these proceedings, either *pro se* or through counsel. Only one, however, has chosen instead to evade service, in order to draw out these proceedings, or to otherwise attempt to avoid

answering for these allegations.

In any event, Defendants have now been served and are before the Court (or will soon be). The sole remaining Defendant to accept service of the complaint is Defendant Mr. Shaquille O'Neal, who we know has discussed the existence of this case, but is apparently still actively evading service, refusing to answer his home door when approached by our process servers. We have reached out to his last known litigation counsel, and if any defense counsel are aware of who will represent Mr. O'Neal in this action (or are in contact with Mr. O'Neal), please forward this email to them, so we can ensure all Defendants are served and join in this Meet and Confer.

In furtherance of this goal, and in accordance with the Court's Order, attached for Defendants' review and input is a draft proposed Joint Conference Report and proposed Scheduling Order. We have included Plaintiffs' position and designated areas for Defendants to include their respective positions, to the extent they differ from Plaintiffs'. Please advise when there are points that are not in dispute so we can revise those points to be made jointly.

We will hold the Joint Scheduling Conference to discuss the report **via Zoom on Thursday at 1:00pm EST**, so we can all discuss any and all points in dispute and finalize the report for filing by Friday afternoon, as Ordered by the Court. We will send a calendar invite with Zoom information to each of you, so please forward the instructions to anyone and everyone that you know will be involved in this matter, but are not copied on this email.

Thank you,

Adam Moskowitz and David Boies

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